

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

KENNIN DWAYNE JACKSON,

Plaintiff,

-against-

CAPTAIN MORONNA,

Defendant.

CIVIL ACTION NO.: 18 Civ. 10148 (PGG) (SLC)

ORDER RECOMMENDING DISMISSAL

SARAH L. CAVE, United States Magistrate Judge.

On January 30, 2020, the Undersigned directed Plaintiff to update his address of record within 30 days or the Court would recommend dismissal of this action for failure to prosecute.

Plaintiff Kennin Jackson filed this pro se complaint against the Captain Maronna on October 31, 2018. (ECF No. 1). The Court granted Plaintiff's request to proceed in forma pauperis, that is, without prepayment of fees, and directed Plaintiff to file an amended complaint. (ECF Nos. 6, 9). On January 23, 2020, the Clerk's Office received a notification from the Connecticut Department of Corrections, Office of Inmate Accounts, informing the Court that the plaintiff has been discharged from the Connecticut Department of Corrections. However, the Court does not have another address at which to communicate with Plaintiff, and Plaintiff has not updated his address of record.

Under Rule 41(b) of the Federal Rules of Civil Procedure, a district court may dismiss an action sua sponte for failure to prosecute after notifying the plaintiff. LeSane v. Hall's Sec. Analyst, Inc., 239 F.3d 206, 209 (2d Cir. 2001); see Fields v. Beem, No. 13 Civ. 5 (GTS) (DEP), 2013 WL 3872834, at *2 (N.D.N.Y. July 24, 2013) ("A plaintiff is required to notify the Court when his address

changes, and failure to do so is sufficient to justify dismissal of a plaintiff's complaint.") (collecting cases).

Accordingly, the undersigned recommends that this matter be dismissed without prejudice.

Dated: New York, New York
March 20, 2020

SO ORDERED


SARAH L. CAVE
United States Magistrate Judge